***Knick v. Township of Scott, Pennsylvania,* No. 17-647**

Today, the Supreme Court ruled by a 5-4 majority that a property owner does not have to litigate a state claim for just compensation through the state court system before bringing a federal takings claim under Section 1983.

Background: In *Williamson County Regional Planning Comm'n v. Hamilton Bank*, 473 U.S. 172 (1985), the Supreme Court held that a property owner must seek just compensation under state law in state court before it can bring a federal takings claim in federal court under Section 1983. The Court reasoned that there is no uncompensated taking that is actionable under Section 1983 until the property owner has tried and failed to obtain compensation through available state procedures.

That much-maligned ruling effectively barred takings plaintiffs from ever obtaining a federal remedy, because the initial state court ruling had preclusive effect in the subsequent federal court action. See *San Remo Hotel v. City and County of San Francisco*, 545 U. S. 323 (2005).

Issue: Whether the Court should overrule *Williamson County*'s state-litigation requirement.

Court's Holding: The Court overruled *Williamson County* insofar as it had required a takings plaintiff to litigate its claims in the state courts before it could bring a Section 1983 takings claim in federal court. Citing the Civil Rights Act of 1871's guarantee of "a federal forum for claims of unconstitutional treatment at the hands of state officials," Chief Justice Roberts wrote for the Court that "the state-litigation requirement imposes an unjustifiable burden on takings plaintiffs." It had impermissibly "relegate[d] the Takings Clause 'to the status of a poor relation' among the provisions of the Bill of Rights." The correct rule, the Court held, is that a landowner's § 1983 claim ripens as soon as "the government takes his property without just compensation."

In explaining why *stare decisis* did not require adherence to *Williamson County*, the Court explained that the ruling "was not just wrong," but also that "[i]ts reasoning was exceptionally ill founded and conflicted with much of [the Court's] takings jurisprudence," that the case had come in for repeated judicial and academic criticism, and that the rule had proved unworkable in practice because of preclusion rules.